

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
(Charlottesville Division)**

Robert Schilling,

Plaintiff,

v.

Leo Mallek, *et al.*

Defendants.

Case No. 3:21-cv-22

NOTICE RELATING TO SERVICE

NOW COMES the Plaintiff, Robert Schilling, by and through undersigned counsel, and gives Notice as follows:

1. This Court granted leave to amend the complaint in this matter to identify individuals formerly named as John Does. ECF Nos. 30 – 31. Summonses were then issued to the two former John Does in this matter, Lawrence Bouterie and David Carey, on Nov. 30, 2021. ECF No. 33. Undersigned counsel retained a private process server to serve the summonses and the amended complaint.
2. An individual named David Carey was served. However, undersigned counsel has received information to suggest that the David Carey who was served with the summons and amended complaint is an individual who shares the same name as the proper defendant, but is not the same individual who committed the acts alleged in the complaint. Accordingly, Mr. Schilling will not at this time file a return of service relating to Mr. Carey and will request re-issuance of a summons to Mr. Carey following further investigation.

Respectfully submitted this the 9th day of December, 2021,

ROBERT SCHILLING
By Counsel:

/s/ Matthew D. Hardin
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Certificate of Service

I hereby certify that on this the 9th day of December, 2021, I filed a true and correct copy of the foregoing through the Court's CM/ECF system, which will electronically serve all counsel of record.

I also served a true and correct copy of the foregoing upon an individual named David Carey by U.S. Mail directed to his attention at 839 Tillman Road, Charlottesville, VA 22901.

/s/ Matthew D. Hardin
Matthew D. Hardin